

## Message Text

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47

ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 ACDE-00 ERDA-05

AF-08 ARA-06 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01

PRS-01 OES-06 SS-15 SAJ-01 SSO-00 INRE-00 NSCE-00

USIE-00 ERDE-00 COME-00 EB-07 CEQ-01 EPA-01 /131 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1587

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

AMEMBASSY STOCKHOLM

USMISSION NATO BRUSSELS

NOAA ROCKVILLE MD

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E.O. 11652: N/A

TAGS: PARM, CCD, UR, NL, SW, UK, US

SUBJ: 1976 CCD -- REVISIONS OF DRAFT ENMOD CONVENTION RE CONSULTA-  
TIVE COMMITTEE

1. AT JULY 30 MEETING OF CONTACT GROUP ON ARTICLE V OF  
ENMOD CONVENTION (NETHERLANDS, SWEDEN, UK, JAPAN, FRG,  
ARGENTINA, USSR, US), REVISED PARA 1 (SOVIET-ORIGINATED)  
AND NEW PARA 2 (NETHERLANDS, UK, SWEDEN) AS WELL AS DRAFT  
ANNEX (DITTO) WERE CIRCULATED TO ADVANCE GROUP'S CONSI-  
DERATION OF QUESTION OF CONSULTATIVE FACT-FINDING  
COMMITTEE. TEXTS FOLLOW.

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2. BEGIN TEXT:

1. THE STATES PARTY TO THIS CONVENTION UNDERTAKE TO CONSULT ONE ANOTHER AND TO CO-OPERATE IN SOLVING ANY PROBLEMS WHICH MAY ARISE IN RELATION TO THE OBJECTIVES OF, OR IN THE APPLICATION OF THE PROVISIONS OF THIS CONVENTION. CONSULTATION AND CO-OPERATION PURSUANT TO THIS ARTICLE MAY ALSO BE UNDERTAKEN THROUGH APPROPRIATE INTERNATIONAL PROCEDURES WITHIN THE FRAMEWORK OF THE UNITED NATIONS AND IN ACCORDANCE WITH ITS CHARTER. THE INTERNATIONAL PROCEDURES REFERRED TO ABOVE MAY INCLUDE THE SERVICES OF APPROPRIATE INTERNATIONAL ORGANIZATIONS, AS WELL AS OF A CONSULTATIVE COMMITTEE OF EXPERTS AS DESCRIBED IN PARAGRAPH 2 OF THIS ARTICLE.

2. FOR THE PURPOSES OUTLINED IN PARAGRAPH 1 OF THIS ARTICLE, THE DEPOSITARY SHALL, ON REQUEST FROM ANY STATE PARTY, CONVENE WITHIN ONE MONTH A CONSULTATIVE COMMITTEE OF EXPERTS. ANY STATE PARTY MAY APPOINT AN EXPERT TO THIS COMMITTEE WHOSE TASK AND RULES OF PROCEDURE ARE SET OUT IN ANNEX ... WHICH FORMS AN INTEGRAL PART OF THIS CONVENTION. THE COMMITTEE SHALL TRANSMIT TO THE DEPOSITARY A SUMMARY OF ITS FINDINGS WHICH SHALL INCORPORATE ALL THE POINTS OF VIEW PRESENTED TO THE COMMITTEE. THE DEPOSITARY SHALL DISTRIBUTE THE SUMMARY TO ALL STATES PARTY.  
END TEXT.

3. BEGIN TEXT:

ANNEX (BLANK)

CONSULTATIVE COMMITTEE OF EXPERTS

1. THE TASK OF THE COMMITTEE SHALL BE TO PROVIDE AN EXPERT VIEW UPON SUCH ENVIRONMENTAL PHENOMENA AS HAVE BEEN DRAWN TO THE ATTENTION OF THE CHAIRMAN BY THE STATE PARTY REQUESTING THE CONVENING OF THE COMMITTEE.

2. THE CHAIRMAN OF THE COMMITTEE SHALL BE THE DEPOSITARY OR HIS REPRESENTATIVE.

3. EACH EXPERT MAY BE ASSISTED AT MEETINGS BY ONE OR MORE ADVISERS.

4. THERE SHALL BE NO VOTING ON MATTERS OF SUBSTANCE. THE COMMITTEE SHALL DECIDE PROCEDURAL QUESTIONS RELIMITED OFFICIAL USE

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TIVE TO THE ORGANISATION OF ITS WORK WHERE POSSIBLE BY CONSENSUS BUT OTHERWISE BY A SIMPLE MAJORITY OF THOSE PRESENT AND VOTING.

5. EACH EXPERT SHALL HAVE THE RIGHT TO REQUIRE THE CHAIRMAN TO SEEK FROM STATES, FROM INTERNATIONAL ORGANISATIONS, OR FROM OTHER EXPERT BODIES, SUCH INFORMATION AND FACILITIES AS THE EXPERT CONSIDERS DESIRABLE FOR THE ACCOMPLISHMENT OF THE COMMITTEE'S TASK.

END TEXT.

4. IN OCCASIONALLY HARD ALTHOUGH GOOD-TEMPERED DISCUSSION, SOVIETS DISPLAYED CONTINUED SENSITIVITY OVER ANY LANGUAGE THEY THOUGHT MIGHT ASCRIBE POLITICAL/LEGAL ROLE TO CONSULTATIVE COMMITTEE. THIS UNDERLAY THEIR OBJECTION TO WORD "TASK", WHICH LED TO NEAR-IMPASSE OVER PARA 1 OF ANNEX WHEN DUTCH REASONABLY ARGUED THAT THERE MUST BE SOME STATEMENT OF WHAT COMMITTEE WAS ASKED TO DO.

5. USDELOFF, WHO HAD REMAINED LARGELY PASSIVE OBSERVER DURING MOST OF CONTACT GROUP'S PREVIOUS PROCEEDINGS, IN EFFORT TO ASSURE THAT COMMITTEE'S RESPONSIBILITIES WOULD BE STATED IN FORM ACCEPTABLE TO US OFFERED FOLLOWING REVISION OF PARA 1: "THE CONSULTATIVE COMMITTEE OF EXPERTS SHALL UNDERTAKE APPROPRIATE FINDINGS OF FACT RELEVANT TO ANY PROBLEM RAISED PURSUANT TO ARTICLE V(1) OF THIS CONVENTION BY THE STATE PARTY REQUESTING THE CONVENING OF THE COMMITTEE."

6. NO OTHER DEL RAISED IMMEDIATE PROBLEM CONCERNING ABOVE FORMULATION, ALTHOUGH ALL EXPRESSED NEED TO THINK ABOUT IT OVER WEEKEND, ALONG WITH CERTAIN OTHER CHANGES DEMANDED/PROPOSED BY SOVIETS. THESE INCLUDE: (A) CHANGING WORD "TASK" IN NEW PARA 2 OF ARTICLE (THEY TENTATIVELY SUGGESTED "TERMS OF REFERENCE"); (B) INSERTION OF "INTERGOVERNMENTAL" BETWEEN "INTERNATIONAL" AND "ORGANIZATIONS" IN PARA 1 OF ARTICLE AND PARA 5 OF ANNEX; (C) DELETION OF "OR FROM OTHER EXPERT BODIES" FROM PARA 5 OF ANNEX (THEY STRONGLY REJECTED COMMITTEE RECOURSE TO PRIVATE ORGANIZATIONS); (D) DELETION OF "AND FACILITIES" FROM PARA 5 OF ANNEX; (E) CHANGING LIMITED OFFICIAL USE

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WORD "TASK" IN PARA 5 OF ANNEX. (THEY OFFERED NO ALTERNATIVE.)

7. USDEL ALSO PRIVATELY SUGGESTED TO DUTCH THAT "SUMMARY OF ITS FINDINGS" IN NEW PARA 2 OF ARTICLE BE CHANGED, E.G., TO "COMPILATION". ORIGINAL WORDING HAD BEEN "REPORT"; USSR OBJECTED THAT THIS HAD TOO POLITICAL A TONE. WE SUGGESTED THAT "SUMMARY" (A) COULD BE USELESS, INDEED MEANINGLESS, IF FINDINGS WERE COUCHED IN DETAILED TECHNICAL TERMS; (B) LEFT OPEN THE QUESTION OF DISPOSITION OF THE FINDINGS THEMSELVES. DUTCH DELOFF THOUGHT "COMPILATION" HAD MERIT AND SAID HE WOULD TRY IT WITH HIS SWEDISH AND BRITISH CO-DRAFTERS.

8. COMMENT: CONTACT GROUP AGREED TO MEET AGAIN AT NOON MONDAY, AUGUST 2. IT IS DOUBTFUL WHETHER ANY DEL ACTUALLY THINKS IT POSSIBLE AT THAT MEETING TO AGREE ON FORMULATION OF BOTH PARAS AND ANNEX FOR PRESENTATION TO ENMOD WORKING GROUP AT ITS 3 PM MEETING SAME DAY. (SOVS LEFT CONTACT GROUP MEETING TALKING IN THOSE TERMS, BUT DUTCH AMONG OTHERS SAID THEY WERE SURE THEY WOULD HAVE TO REPORT RESULTS TO CAPITAL FIRST.) NEVERTHELESS, IT WOULD BE HIGHLY DESIRABLE FOR US DEL TO HAVE ANY WASHINGTON COMMENTS ON DRAFTS AT EARLIEST POSSIBLE JUNCTURE, IF POSSIBLE BEFORE C.O.B. MONDAY GENEVA TIME.ABRAMS

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